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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,975	02/27/2004	Jean-Marie Gatto	CYBS5858	9438
23430 7590 05/13/2008 YOUNG LAW FIRM, P.C. ALAN W. YOUNG 4370 ALPINE ROAD SUITE 106 PORTOLA VALLEY, CA 94028				
EXAMINER				
PATIL, NIRAV B				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/789,975

**Applicant(s)**

GATTO ET AL.

**Examiner**

NIRAV PATEL

**Art Unit**

2135

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 and 82-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 82-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date 12/19/07, 4/10/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's amendment filed on Jan 22, 2008 has been entered. Claims 1-25, 82-90 are pending. Claims 26-81 and 91-97 are canceled by the applicant.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 and 82-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (US Patent No. 7,168,089) in view of Takeshima et al (US Patent No. 7,219,134) and in view of Tanaka et al (US Pub. No. 2003/0182236).

As per claim 1, Nguyen teaches:

a network connected gaming system, the gaming system including a plurality of gaming machines each having a plurality of executable software components [Fig. 1, 3, 8]. Nguyen teaches the gaming software for the plurality of gaming machine in the distributed network, and the gaming software authorization agent tracks the software distributions on various gaming machine [Fig. 8]. Nguyen doesn't expressly mention that each *different executable software component* within each gaming machine within the gaming system subject to receive *certification is uniquely associated with a unique identifier and is signed with a separate and unique PKI certificate*.

Takeshima teaches each different executable software component (content) subject to receive certification is uniquely associated with a unique identifier and is signed with a separate and unique PKI certificate, the separate and unique PKI certificate being uniquely identified at least by the unique identifier [Fig. 9, col. 6 lines 17-31 i.e. each identical content has same content ID and therefore, the signature is unique to each identical content, however different content has different content ID and therefore the signature is different to each different content].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takeshima with Nguyen, since one would have been motivated to prevent the content (executable component) from being tampered [Takeshima, col. 3 lines 43-45].

Further, Takeshima teaches executable software components (contents) are associated with identical identifiers and are signed with identical PKI certificates [Fig. 9, col. 6 lines 17-31].

Tanaka teaches: identical executable software components (content) in different ones of the plurality of gaming machines (users/devices) of the network connected gaming system are associated with identical identifiers and are signed with identical PKI certificates, such that non-identical executable software components in different ones of the plurality of gaming machines are associated with separate and different identifiers and are signed with separate and different PKI certificates, and such that no two non-identical executable software components in different gaming machines are signed with a same PKI certificate [Fig. 26, 22, 5, paragraph 0177 i.e. each identical content (content 1, content 2....) has identical content ID which is associated with identical signature/certificate and is distributed to plurality of users/devices (user 1, user 2...)].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tanaka with Nguyen and Takeshima, since one would have been motivated to manage contents individually for permitting the use of such contents [Tanaka, paragraph 0001].

As per claim 2, the rejection of claim 1 is incorporated and Nguyen teaches: wherein each software component is authorized by a regulatory authority [Fig. 8].

As per claims 3 and 4, the rejection of claim 1 is incorporated and Takeshima teaches: wherein the separate and unique PKI certificate is produced by the certification lab, by the gaming system supplier or by the trusted party designated by the regulatory authority [Fig. 1].

As per claim 5, the rejection of claim 1 is incorporated and Takeshima teaches: the separate and unique identifier is a certificate field selected from a "Subject" field, an "issued to" field, a "subject name" field, the a "CommonName" field, a "Provider" field or a "publisher" field" [Fig. 9].

As per claim 6, the rejection of claim 1 is incorporated and Takeshima teaches: the unique identifier comprises at least one of fields and field extensions" [Fig. 9].

As per claim 7, the rejection of claim 1 is incorporated and Takeshima teaches: the unique Identifier comprises at least one of a plurality of fields selected from among: a software component part number; a software component major version number; a software component minor version number; a software component build number; a software component revision number; a software component project name; a software component type of software component; a software component language variant; a software component game regulation variant; a software component friendly name; an identification of the certification laboratory, and an identification of the client" [Fig. 9].

As per claim 8, the rejection of claim 7 is incorporated and Takeshima teaches: the unique identifier is a concatenation of selected Identifiers fields [Fig. 9].

As per claim 9, the rejection of claim 1 is incorporated and Takeshima teaches: wherein at least a portion of the unique identifier is reported in the Windows event log upon execution of the software component [Fig. 9].

As per claims 10 and 11, the rejection of claim 1 is incorporated and Takeshima teaches: at least a portion of the unique identifier is reported in the source held of the Windows event log upon execution of the software component [Fig. 9].

As per claim 12, the rejection of claim 1 is incorporated and Takeshima teaches: at least a portion of the unique Identifier is traceable in at least one of: source code; Windows File Properties; Trusted Inventory; Windows Event Log; Software Restriction Policies, and Certificate Store [Fig. 9].

As per claims 13-14, the rejection of claim 1 is incorporated and Nguyen teaches: the network connected gaming system is connected in at least one of a local area system and wide area network [Fig. 1, 3, 8].

As per claim 15, the rejection of claim 1 is incorporated and Takeshima teaches: the unique identifier contains identification information delimited with file-name-allowed non-alphanumeric characters to facilitate human identification, string searches and file searches [Fig. 9, 5].

As per claim 16, the rejection of claim 1 is incorporated and Takeshima teaches: the unique identifier contains identification information delimited with file-name-allowed non-alphanumeric characters to facilitate human identification, string searches and file searches [Fig. 9, 5, 3].

As per claim 82, it encompasses limitations that are similar to limitations of claim 1. Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 83, the rejection of claim 82 is incorporated and Takeshima teaches: a secure communication link between the reference platform and the certification lap for enabling manufacturer

or designated subcontractors to remotely configure the software building environment on tile certification platform [Fig. 1].

As per claims 84, 85 and 90, the rejection of claim 82 is incorporated and Nguyen teaches: the authorized software components to be downloaded to the network connected gaming system is are tested by the certification laboratory [Fig. 1, 3, 8].

As per claims 86 and 87, the rejection of claim 82 is incorporated and Nguyen teaches: a secure communication link between the reference platform and the certification lap for enabling manufacturer or designated subcontractors to remotely configure the software building environment on tile certification platform [Fig. 1, 3, 8].

As per claims 88 and 89, the rejection of claim 82 is incorporated and Takeshima teaches: the code signing means comprises a certificate authority under control of the manufacturer for generating certificates [Fig. 1].

3. Claims 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (US Patent No. 7,168,089) in view of Takeshima et al (US Patent No. 7,219,134) in view of Tanaka et al (US Pub. No. 2003/0182236) and in view of Rabin et al (US Patent No. 6,697,948).

As per claim 17, Nguyen teaches: a network connected gaming system to prevent unauthorized software components of constituent computers of the gaming system from executing the gaming system including a plurality of gaming machines each having a plurality of executable software components [Fig. 1, 3, 8].

Takeshima teaches: producing a separate and unique PKI certificate for each of the plurality of executable software component subject to receiving certification within each gaming machine, each software comment subject to receiving certification including a unique identifier; code signing each executable software component subject to receiving certification with its respective separate and unique PKI certificate, each respective PKI certificate being uniquely identified at least by a unique identifier that is uniquely associated with the executable software component [Fig. 9, col. 6 lines 17-31 i.e. each identical content has same content ID and therefore, the signature is unique to each identical content, however different content has different content ID and therefore the signature is different to each different content].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takeshima with Nguyen, since one would have been motivated to prevent the content (executable component) from being tampered [Takeshima, col. 3 lines 43-45].

Further, Takeshima teaches executable software components (contents) are associated with identical identifiers and are signed with identical PKI certificates [Fig. 9, col. 6 lines 17-31].

Tanaka teaches: identical executable software components (content) in different ones of the plurality of gaming machines (users/devices) of the network connected gaming system are associated with identical identifiers and are signed with identical PKI certificates, such that non-identical executable software components in different ones of the plurality of gaming machines are associated with separate and different identifiers and are signed with separate and different PKI certificates, and such that no two non-identical executable software components in different gaming machines are signed with a same PKI certificate [Fig. 26, 22, 5, paragraph 0177 i.e. each identical content (content 1,

content 2....) has identical content ID which is associated with identical signature/certificate and is distributed to plurality of users/devices (user 1, user 2...)].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tanaka with Nguyen and Takeshima, since one would have been motivated to manage contents individually for permitting the use of such contents [Tanaka, paragraph 0001].

Robin teaches configuring software restriction policy certificate rules to allow execution of only those executable software components whose code signed PKI certificate is determined to be authorized [col. 52 line 60 – col. 53 line 25, col. 15 lines 6-57].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Robin with Nguyen, Takeshima and Tanaka, since one would have been motivated to prevent the piracy of content and unauthorized use of the content [Robin, col. 1 lines 19-25].

As per claims 18 and 19, the rejection of claim 17 is incorporated and Robin teaches: configuring software restriction policy rules to prevent execution of unauthorized software components (Col 26 lines 50-60, Col 27 lines 30-44, Col 28 lines 5-15, Col 28, Table 1, line 30 to Col 30 line 20, and Col 52 line 60 to Col 53 line 25).

As per claim 20, it encompasses limitations that are similar to limitations of claim 17. Thus, it is rejected with the same rationale applied against claim 17 above.

As per claim 21, the rejection of claim 20 is incorporated and Takeshima teaches: the authorized software components are mandated by a regulatory body [Fig. 1, 9].

As per claim 22, it encompasses limitations that are similar to limitations of claim 17. Thus, it is rejected with the same rationale applied against claim 17 above.

As per claim 23, the rejection of claim 20 is incorporated and it encompasses limitations that are similar to limitations of claim 21. Thus, it is rejected with the same rationale applied against claim 21 above.

As per claim 24 and 25, they encompass limitations that are similar to limitations of claim 17. Thus, they are rejected with the same rationale applied against claim 17 above.

### **Response to Arguments**

4. Applicant's arguments filed Jan. 22, 2008 have been fully considered but they are not persuasive.

Regarding to the applicant's arguments to claim 1 and 82, Examiner maintains, since Nguyen's invention relates to game playing service for gaming machines as shown in Figs. 1, 3 and 8. As shown in Fig. 1, gaming machines distributed in different establishments partially connected by a dedicated communication network. The secure communication methods are used to transfer gaming software and gaming information and provide a game license to one or more gaming machines using a remote server [Fig. 7]. When a new game license is generated, the game license data includes the new game license (certificate), the machine identification information, a type of game, a time of the request, etc. [col. 24 lines 6-17]. A game software distributor (e.g. game servers) maintains a plurality of gaming software titles, versions of gaming software titles, gaming software components. Therefore, Nguyen teaches plurality of game machines which receive the plurality of software titles (executable software components) and respective the game license (certificate) from the game servers, wherein the game license (certificate) comprises unique identification information as above. Further, Takeshima teaches preparing the signed content as shown in Fig. 9 prior to download to the client machine. The signed content (executable software component) includes signature part, public key

certificate as shown in Fig. 9. The signature value includes a content ID which is an ID uniquely assigned to the content. Therefore, Takeshima teaches the signed content (executable software component) which is associated with the public key certificate as above. Further, Tanaka's invention relates to distribution of the digital content while ensuring their copyrights. Fig. 26 shows the file format for distributing the digital content (executable software component) to the client, which includes header field (Content ID, License ID...etc.), a digital signature and a public key certificate...etc. Fig. 27 shows the detail structure of the public key certificate, which comprises unique identification information (e.g. version no., serial no., ....etc.). The signature for content is created based on the header information (e.g. content ID, License ID...etc.) [paragraph 0196, Fig. 26]. Therefore, the digital content is associated with the content ID (CID), License ID (LID) and is signed with separate and unique identification information as above. Further, as shown in Fig. 22, the signed digital content is distributed to plurality of users, wherein the identical digital content (e.g. content 1, content 2) comprises the license ID 1 and therefore the digital signature/certificate is uniquely associated with the identical digital content. However, the non identical digital content (e.g. content 1, content 3 or 4 or 5) in different ones of plurality of users are associated with separate and different identifiers (LID 1 and LID 2) and therefore, the digital signature/certificate is different for non-identical digital content.

Therefore, the combination of Nguyen, Takeshima and Tanaka teaches the claim subject matter. For the above reasons, it is believed that the rejections should be sustained.

## **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2135

Burton et al (US 2003/0033255) – License repository and method

Watanabe et al (US 7152158) – Public key certificate issuing system, public key certificate issuing method, information processing apparatus, information recording medium, and program storage medium

Matsuyama et al (US 2002/0026581) – Content distribution system, a content distribution method, an information processing apparatus, and a program providing medium

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

*NBP*

5/8/08

/KIMYEN VU/

*Supervisory Patent Examiner, Art Unit 2135*